

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE

November 17, 2008
MAG Offices, Cholla Room
302 N. 1st Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Mayor Mary Manross, Scottsdale, Chair	* Mayor James M. Cavanaugh, Goodyear
Vice Mayor Peggy Neely, Phoenix, Vice Chair	* Mayor Marie Lopez Rogers, Avondale
Mayor Thomas L. Schoaf, Litchfield Park, Treasurer	Mayor Steven M. Berman, Gilbert
* Mayor Hugh Hallman, Tempe	

* Not present

Participated by video or telephone conference call

1. Call to Order

The Executive Committee meeting was called to order by Chair Mary Manross at 12:10 p.m. Chair Manross stated that public comment cards were available for those members of the public who wish to comment. She noted that transit tickets were available from Valley Metro for those using transit to come to the meeting. Parking validation was available from MAG staff for those who parked in the parking garage.

2. Call to the Audience

Chair Manross noted that, according to the MAG public comment process, members of the audience who wish to speak are requested to fill out the public comment cards and stated that there is a three-minute time limit. Public comment is provided at the beginning of the meeting for items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Mayor Manross noted that no public comment cards had been received.

3. Consent Agenda

Chair Manross noted that prior to action on the consent agenda, members of the audience are provided an opportunity to comment on consent items that are being presented for action. Following the comment period, Committee members may request that an item be removed from the consent agenda. There were no public comment cards received.

Chair Manross noted that item #3B was previously heard at the October 8, 2008 MAG Management Committee.

Vice Mayor Neely moved to approve items #3A through #3B on the consent agenda. Mayor Berman seconded and the motion carried unanimously.

3A. Approval of the September 15, 2008 Regional Council Executive Committee Meeting Minutes

The Regional Council Executive Committee, by consent, approved the September 15, 2008, Regional Council Executive Committee meeting minutes.

3B. Vendor Selection for Digital Aerial Photography

The Regional Council Executive Committee, by consent, approved that Landiscor Aerial Information be selected to provide digital aerial photography in an amount of \$26,533.50.

In May 2008, the MAG Regional Council approved the FY 2009 Unified Planning Work Program and Annual Budget, which included \$80,000 for digital aerial photography for use in planning activities by both MAG and its member agencies. As in past years, this photography has been made available at no charge to MAG member agencies. MAG issued an Invitation for Bids and received four bids. A multi jurisdictional evaluation team reviewed the bids, and recommended to MAG that the low bid of \$26,533.50 from Landiscor Aerial Information be selected. The sample imagery and bid package submitted by Landiscor Aerial Information demonstrated the highest quality imagery product for the price. On October 8, 2008, the MAG Management Committee recommended approval of the selection.

4. Implementation of GovDelivery for Electronic Communication

Chair Manross introduced Audrey Skidmore, MAG Information Technology Manager.

Ms. Skidmore stated that at the most recent Regional Council meeting MAG had announced that the organization was exploring the use of an electronic notification delivery system called GovDelivery as a way to increase efficiency and communication with its members and the public regarding meetings, agendas and supporting activities for 25 committees. Ms. Skidmore proceeded to provide an update on the system's implementation.

Ms. Skidmore noted that GovDelivery is a free service that monitors key web pages and automates notification email to subscribers about posting of the minutes and agendas as well as other updates. She stated that the technology will be faster and will allow MAG members, the public and agency staff more control over which information is received and how often. Ms. Skidmore added that subscribers will have the option to receive notifications once a day, once a week or every time a notification occurs. She noted that subscribers will also have an option to select which activities they would like to be notified about and they will have the ability to add or remove themselves anytime from approximately 130 pages in the service. Ms. Skidmore announced that she would be providing a demonstration to the Regional Council. She requested feedback from the Executive Committee regarding their preferences and stated that staff was encouraging members to go green where possible. Ms. Skidmore stated that staff had received 15 responses from the Management Committee and that although a majority chose to continue receiving hard copy agendas for Management Committee meetings, 14 of those responses had preferred to receive other mailings electronically.

Chair Manross asked Ms. Skidmore if she would like members to provide a response today.

Ms. Skidmore replied that would appreciate the information if it was convenient for the members to respond today.

Mayor Schoaf asked whether backup materials would also be available if members selected to receive information electronically.

Ms. Skidmore replied that staff will post the backup material on the website and that there will be a link where members and the public can download as much or as little information as they prefer.

Chair Manross asked if there were any other questions.

Vice Mayor Neely expressed her support of the new system. She stated that knowing what the notice was in reference to would be important to her to allow better determination whether to open the notification immediately or later. She added that electronic notification will be welcomed because information will be received more quickly.

Ms. Skidmore responded that she would be encouraging staff to indicate in the notifications what specific changes had occurred which provide guidance to subscribers in determining the relevance of the communication..

Dennis Smith, MAG Executive Director, thanked Ms. Skidmore for her initiative to implement GovDelivery at MAG. He noted that MAG is the first Council of Governments in the country to utilize the system. Mr. Smith added that the number of committees and mailings at MAG justified implementing the system in the organization and will cut costs.

5. Sustainability Stakeholders Working Group Update

Chair Manross introduced Heidi Pahl, Regional Planner III to present an update on the sustainability stakeholders working group.

Ms. Pahl stated that at the September Executive Committee meeting, staff presented information pertaining to sustainability and its growing importance in the region. She noted that staff had proposed developing a best practices report and forming a sustainability stakeholders group to create a scope of work that would be presented to the Executive Committee for further direction. Ms. Pahl stated that the feedback received at the meeting encouraged staff to meet with external stakeholders to avoid duplicating efforts. She reported that since the September meeting staff had contacted several stakeholders to determine their sustainability efforts. Ms. Pahl stated that staff had met with Arizona State University's (ASU) Global Institute of Sustainability to further discuss their sustainable cities project. She noted that after discussions with several member agencies, most cities and towns do not have a sustainability department or staff. Ms. Pahl added that many cities and towns are in the infancy stages, considering how they want to address sustainability. Ms. Pahl noted the need for further education on the various aspects of sustainability as it relates to the economy, environment, and social culture. She noted that there is a need for further

education regarding its definition. She proposed that MAG focus on one or two key topics in sustainability. Ms. Pahl noted that in meeting with ASU, staff learned that ASU's best practices report project was similar to what staff had proposed. She stated that ASU has formed a network of individuals at various cities and towns who have identified some opportunities, challenges and best practices of sustainability to help move the project forward. Ms. Pahl added that ASU would like to partner with MAG on this effort noting that MAG could assist by facilitating or convening meetings of the stakeholders involved. She noted that Ms. Anne Ellis, Program Manager, with the ASU Global Institute of Sustainability was present to answer any questions. Ms. Pahl introduced Alana Chávez, Management Analyst III, to provide an update on a meeting with the Greater Phoenix Economic Council (GPEC).

Ms. Chávez stated that on Wednesday, November 5, MAG was invited to attend a meeting of GPEC's Community Building Consortium (CBC). She stated that GPEC and its members work cooperatively to project a regional identity and collaborate with other organizations to ensure a competitive, vibrant and self-sustaining regional economy supported by a talented, technologically advanced, diverse workforce. Ms. Chávez added that the CBC is a GPEC initiative to employ a more strategic approach to regional planning and increase the quality and quantity of transactions in the region. She noted that one of the CBC's fiscal year 2008 action items is to structure financial and non-financial solutions to make the region more competitive. Ms. Chávez stated that among these action items are Green Cities/LEED initiatives. She listed that some of the goals for the initiative include: 1) Creating economic development incentives to attract sustainability industries to Greater Phoenix, 2) Encourage communities to offer incentives competitive with other metro areas, 3) Target incentives to promote sustainable building practices such as LEED certification and solar technology adoption, and 4) Enhance business environment and expand markets for sustainability industries by promoting green principles. Ms. Chávez stated that the CBC discussed possibly working with GPEC member communities regarding the adoption of a set of green building principles for the region that could be marketed as part of an overall economic development strategy for the region. She added that the CBC meets monthly and that GPEC will continue to include MAG in these meetings. Ms. Chávez noted that at the September Executive Committee meeting, Tempe's efforts to create a set of relevant green building principles and Scottsdale's sustainability department had been discussed. She stated that she became aware of a common interest in the topic of green building principles during a discussion with GPEC staff. Ms. Chávez noted that this could be another area where MAG could partner with an external stakeholder to address a topic in regional sustainability issues.

Chair Manross thanked staff for their research and feedback. She agreed that duplicated efforts not only meant loss of resources but also time. Chair Manross stated that MAG could have a role in reinforcing sustainability initiatives of its members. She noted that MAG could possibly work with ASU by facilitating a meeting venue or be a contact resource. Chair Manross stated that instead of creating our own best practices MAG could act as a facilitator and assist ASU and GPEC as necessary. She asked if members had any other thoughts.

Mr. Smith stated that MAG staff could work cooperatively with ASU and could provide updates as necessary. He noted that one topic in sustainability to be addressed in the future

will be related to green house gas. Mr. Smith reported that on the national level, it appeared that green house gas would be relevant to the next reauthorization. He stated that the topic would most likely be handled by staff in the Air Quality Division and that it most likely will be a federal requirement in the future.

Chair Manross stated that she believed that the number of issues will grow and MAG will become more involved. She noted that she agreed with the current approach.

6. Commuter Rail Update

Chair Manross introduced Dennis Smith, MAG Executive Director. Mr. Smith recalled that the Regional Transportation Plan (RTP) received unanimous support from the MAG Transportation Policy Committee (TPC) and approval by the MAG Regional Council in November 2003. He noted that commuter rail was an area of high interest in the region. Mr. Smith stated that \$5 million was dedicated in the plan for implementation of commuter rail initiatives. He stated that since that time, the Regional Council has taken a series of actions on commuter rail including formation of a stakeholders group, hiring a consultant to conduct a strategic plan and a recent action by the MAG Executive Committee to select the BNSF corridor on Grand Avenue for further review. Mr. Smith noted that at that time, Union Pacific (UP) had desired to work with the Arizona Department of Transportation (ADOT) and not two lead agencies on commuter rail activity. He stated that this position has recently changed and that ADOT has informed MAG that UP was amenable to a team approach to study the UP corridors. Mr. Smith added that in order to work on the UP track, MAG staff would need to return to the stakeholders to develop a new scope and cost for the project and present this information in January for approval. He stated that he anticipated the cost of the rescoped project would be greater than the current cost of \$600,000 for the BNSF study due to the greater length of the UP track. Mr. Smith noted that ADOT had successfully received a \$1 million grant from the federal government to be matched locally to further study the track between Tucson and Phoenix. He stated that ADOT has requested if MAG would be willing to match the grant amount. Mr. Smith added that MAG's study might be eligible as a partial match for their grant and that the study would be managed by MAG. He noted that the item was on the agenda for information and discussion only and next steps would include convening stakeholders in December and returning to the Regional Council in January with a scope and budget for the project. Mr. Smith added that if the project were to proceed, MAG would request an additional Planner I or II position to proceed with this study due to human resources constraints with a present position already dedicated to existing transit projects.

Mr. Smith introduced Mr. Eric Anderson, MAG Transportation Director to provide more information regarding the implementation and goals of the UP study which would be subject to a scoping meeting in December. Mr. Anderson stated that the UP line located in both the Southeast and Southwest Valley is more than twice the length of the BNSF corridor. He noted that provided the length and associated issues to be addressed, staff believed that the development of a plan to coordinate both corridors is likely to be more expensive than the BNSF study which is \$600,000. Mr. Anderson stated that additionally the UP territory has unique aspects that will have to be further analyzed such as understanding whether to include

two branch lines in the Southeast Valley - Chandler Industrial Branch and Kyrene Industrial Branch - in the scope of work. He added that in the Southwest Valley there remains a possible reinstatement of the UP branch line that heads towards Yuma which UP abandoned number of years ago. Mr. Anderson stated that if UP reactivates the corridor, it would have an implication on how commuter rail would be planned in that corridor. He stated that the objective of both the Southeast and Southwest Valley study would be to have a development plan that would analyze both the capital improvements and operational aspects of a joint freight and passenger rail service which would likely exist on separate tracks in those corridors noting that would be an additional scoping issue to be considered.

Mayor Berman stated that in the past he had spent time riding the rail with UP and Mayor Keno Hawker from Mesa. He noted that at that time UP indicated they had no interest in sharing their track. He asked if that had changed.

Mr. Smith responded that one thing that has changed is the amount of support occurring from Congressman Pastor to provide funding for commuter rail in the region. He stated that he believed there will be an increased federal emphasis in this area and that cities interested in commuter rail are preparing projects in the event more funding may be provided by the federal government to promote commuter rail in Arizona.

Mayor Berman asked whether that made a difference if UP did not want to cooperate.

Mr. Anderson stated that ADOT has recently worked rather extensively with UP on the Phoenix to Tucson inner city rail project and that significant progress has been made. He noted that in addition to either railroad not likely wanting to share their track, sharing between passenger and freight is in general not a good idea to pursue. Mr. Anderson stated that MAG has learned from colleagues in New Mexico and Utah that scheduled passenger rail service is always at risk because freight has priority. He added that staff believes that there is enough width in the corridors to provide a second track so the passenger rail service could operate separately wherever possible.

Mayor Schoaf asked how boundary issues would be managed among the studies.

Mr. Anderson responded that one of reasons why MAG would postpone any commuter rail work on the UP Maricopa County would be to allow ADOT to move forward working with UP on the Phoenix to Tucson inner city rail project. He added that the ADOT project had envisioned the inner city rail servicing downtown Phoenix through the Southeast Valley. As a result, MAG has created a partnership with ADOT that ADOT will manage the portion outside Maricopa County with an understanding that there may be an overlap between commuter rail and the inner city rail. Mr. Anderson noted that MAG would focus primarily on the track within Maricopa County and would work jointly on the Pinal County portion. He stated that what is at issue is identifying the relationship between intercity rail between Phoenix and Tucson and the commuter rail operation envisioned in Maricopa County which would possibly include some extension into Pinal County. Mr. Anderson added that typically the commuter rail would have higher frequency during rush hour periods because of its demand as opposed to inner city rail which may have a more regular schedule.

throughout the day. He stated that those discussions will have to take place with ADOT and additionally if a train is running from Tucson to downtown Phoenix, there certainly exists an opportunity to serve a double purpose in Maricopa County. Mr. Anderson noted that these issues do not occur in the BNSF corridor but in the context of the UP corridor in the Southeast Valley, MAG will have to work out those applicable issues.

Vice Mayor Neely noted that she would be supportive of the state's request and that they use the MAG study as contribution to the matching dollars. She additionally stated that it was important that MAG be in control of the study as it moved forward through Maricopa County.

Mayor Berman asked how cities could participate in the study.

Mr. Smith stated that the stakeholders group is open to all cities and towns located along the corridor and that having representation on the Management Committee, Executive Committee and Regional Council there will be ample opportunity to be involved and provide input.

Chair Manross stated that she believed ADOT should be responsible for the study's expense provided that MAG is trying to address an enormous shortfall in Proposition 400 funds. She noted that it did not make sense to take more money during a shortfall to put into a potential project for the future for which studies have shown that the demand and use would be extraordinarily low. Chair Manross expressed that the project was not a bad idea but rather the use of the funds that was concerning to her. She stated that she understood commuter rail was included in Proposition 400 but wondered if it would be appropriate to reassess use of funds. Chair Manross noted that Scottsdale is continually reassessing its transportation program to evaluate whether certain projects continue to be a priority versus pressing needs. She questioned the timing and reasoning behind MAG expending its funds for this purpose noting that it should be at ADOT's expense.

Mayor Schoaf asked whether the Proposition 400 funds were firewalled.

Mr. Smith responded technically there was no firewall, however funds were segregated for this purpose in the RTP.

Vice Mayor Neely stated that it was her understanding that the study was anticipated to occur through MAG. She did not disagree with the comments that had been made but noted that MAG had proposed to use the study as a match to ADOT's financial request. Vice Mayor Neely noted that in addition to anticipating the study, MAG needed to manage it to assure an accurate report for the communities in the region.

Chair Manross expressed concern for proceeding to use funds in this manner considering the current recession.

Mr. Smith noted that by not proceeding, it could potentially cause concern within the region among those cities and towns located along both corridors by addressing the BNSF corridor and not the UP corridor.

Mayor Schoaf asked whether this was part of what MAG has approved.

Mr. Smith stated that staff anticipated that the revised cost would be in addition to the \$600,000 that has been allocated from the Proposition 400 commuter rail fund for the BNSF study to accommodate a revised scope which would include the UP corridor. He noted that this would not require new funds.

Vice Mayor Neely stated that she had understood from staff that the study was already in the pipeline.

Mr. Smith replied that several actions pertaining to commuter rail had occurred including a strategic plan and a development plan on the BNSF which is required for a development plan on the UP. He noted that overall there is \$5 million in the RTP for this purpose.

Vice Mayor Neely stated that due to her own concern about funding she had asked staff whether MAG had the money to do that study and that the answer was yes.

Mr. Anderson responded that Vice Mayor Neely was correct. He stated that the expense for the studies is included as part of the commuter rail implementation funding that was set aside in Proposition 400 which is currently being collected and remains in a fund at ADOT. Mr. Anderson additionally noted that MAG currently has a commuter rail consultant contract open and due to the way MAG procured the consultant and structured construction, MAG may add additional phases. He noted that staff would be ready to proceed provided future approval by the Executive Committee and Regional Council.

Vice Mayor Neely stated that with other funds down, if MAG analyzed reductions in some areas of the plan, was this an area that could be reduced.

Mr. Anderson responded probably no. He noted that MAG had set aside, as part of Proposition 400, 0.3 percent for planning studies which includes \$5 million for commuter rail. Mr. Anderson stated that funding is generating approximately \$1 million per year and at the end of the sales tax MAG will have set aside approximately \$30 million for studies for implementation. He added that this included the \$5 million, which was prescribed in 2002 dollars, and will be more than that in the future for commuter rail implementation studies. Mr. Anderson stated that MAG has the funding set aside according to the direction provided by former TPC and Regional Council actions on the RTP.

Mayor Schoaf noted that Chair Manross had made an important point and asked what could these funds be spent for within state law. He stated that some funds are firewalled in certain categories whereas some are not. Mayor Schoaf asked whether there was flexibility on what the funding could be spent on.

Mr. Anderson replied that the funds were being allocated into the arterial street funds and that planning study money has been set aside in a sub-account. He noted that the arterial street fund is the program for which MAG has the responsibility of administering and managing whereas ADOT has the freeway fund and the RPTA has the public transportation fund.

Mayor Schoaf stated that did not answer his question.

Mr. Smith stated that when the voters voted for Proposition 400 there was a lot of interest in commuter rail. He noted that this resulted in a promise to voters that MAG would actively pursue commuter rail but that if there is an interest to undue it that is what could happen.

Mayor Schoaf stated that he had no interest to undue anything noting that decisions had been made through the TPC and Regional Council to use funds in a certain manner. He asked if there is not anything limiting MAG's ability to reallocate funds considering present circumstances, these funds ought to be reviewed in the same manner MAG is reviewing other funds. Mayor Schoaf noted that since MAG is taking upon itself to eliminate road projects and arterial street projects, to require expending money for another study that MAG may not be obligated to do today, may not be the best way at considering priorities for the region. He said the real question is whether money allocated for commuter rail be involved in the prioritization process MAG is currently trying to address for the RTP.

Mr. Anderson stated that staff would need legal advice on whether money could be moved to arterial street projects within the arterial fund or whether it could be moved to other modal accounts.

Chair Manross asked if staff would be verifying what could be done.

Mr. Anderson replied that staff will have to verify with legal counsel if the \$31 million within the arterial street fund which is allocated for the life of the program could be used for projects other than planning studies and commuter rail. He added the additional question would be whether funds could be moved to the freeway or transit account. Mr. Anderson stated that in total there were two questions that needed to be addressed.

Chair Manross stated it would clarify a lot. She asked if there were any other questions noting that the item was for discussion only.

Vice Mayor Neely asked if the item will proceed to the Regional Council or whether the questions would be answered prior to Regional Council.

Mr. Smith replied that the item was slated for discussion to identify questions and will also be on the Regional Council agenda for discussion as well to identify additional questions. He noted that staff will research the questions, rescope the project in December and return for action on the item in January.

7. Annual Performance Review of the MAG Executive Director

Chair Manross introduced Mr. Smith to discuss the process for the annual performance review for the MAG Executive Director.

Mr. Smith stated that each year staff has developed a questionnaire which is mailed to members of the Executive Committee and Regional Council for their feedback. He stated

that unless there was an objection on the process, staff would proceed to mail the survey, compile the analysis and present the information in executive session in January.

Chair Manross asked whether the item required a formal action by the Executive Committee to formalize the process.

Mr. Smith stated if there was no objection, staff could proceed.

Chair Manross asked if there were any other questions or items for discussion.

Mr. Smith replied there were none.

8. Adjournment

Chair Manross called for a motion to adjourn. Mayor Schoaf made a motion to adjourn. Mayor Berman seconded the motion. The motion passed unanimously.

There being no further business, the Executive Committee adjourned at 12:46 p.m.

Chair

Secretary